

**RECEIVED**  
**CENTRAL FAX CENTER**

DEC 22 2005

---

**FACSIMILE MESSAGE - PLEASE DELIVER PROMPTLY**

---

December 22, 2005

TO: Examiner David Steadman  
Group 1656  
(571) 272-0942

FROM Justin D. Karjala  
Celera Genomics Corp.  
(240) 453-3812

FAX NO: (571) 273-8300

# OF PAGES (incl. cover): 7

---

Re: U.S. Serial No. 10/611,945, filed July 3, 2003  
Entitled "ISOLATED HUMAN ENZYME PROTEINS, NUCLEIC ACID  
MOLECULES ENCODING HUMAN ENZYME PROTEINS, AND USES  
THEREOF"  
Attorney Docket No.: CL001155CIPDIV

A Preliminary Amendment (Restriction Election) in the above-identified application follows. No fee is due for this submission.

---

*The information contained within this facsimile message is intended only for the personal and confidential use of the designated recipient named above. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone and return the original message to us by mail. Thank you for your cooperation.*

**RECEIVED  
CENTRAL FAX CENTER**

**DEC 22 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Fangcheng GONG et al.

Art Unit: 1656

Serial No.: 10/611,945

Examiner: Steadman, D.

Filed: July 3, 2003

Atty. Docket: CL001155CIPDIV

For: ISOLATED HUMAN ENZYME  
PROTEINS, NUCLEIC ACID MOLECULES  
ENCODING HUMAN ENZYME PROTEINS,  
AND USES THEREOF

**PRELIMINARY AMENDMENT**

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

*By Facsimile*

Sir:

This is in response to an Office Action mailed on November 22, 2005 from Examiner Steadman in which a restriction requirement was issued for the above-referenced application.

In response to the restriction requirement, Applicants hereby elect, with traverse, claim group II (claim 3, drawn to antibodies) for examination and have canceled claims corresponding to the non-elected groups III-VIII.

However, applicants respectfully request that the Examiner reconsider the claim division of the restriction requirement and combine group II (drawn to antibodies) with group I (drawn to polypeptides).

In particular, examination of the antibody claims of group II, in which the antibodies claimed in the group II claims selectively bind the polypeptides that are claimed in the group I claims (as in the instant situation), is based in part on search and examination of the amino acid sequence of the polypeptides claimed in the group I claims. Therefore, because the search and examination necessary to examine the claims of group II inherently includes a search of the amino acid sequence of the polypeptides

claimed in the group I claims, a search and examination of the group II claims inherently includes a search and examination of the group I claims. Thus, it is believed that the effort required to search and examine both groups I and II together is not substantially greater than the effort required to search and examine group II alone, and therefore search and examination of the claims of groups I and II combined would not unduly burden the Examiner with additional review issues.

Accordingly, Applicants are hereby amending claim 3 and presenting new claims 24-36 drawn to antibodies and respectfully request entry, search, and examination of these antibody claims. Additionally, should the Examiner reconsider the restriction requirement based on the above remarks and combine group I (polypeptides) with group II (antibodies), Applicants are also hereby amending claims 1-2 and presenting new claims 37-38 drawn to polypeptides and respectfully request entry, search, and examination of these polypeptide claims together with the antibody claims.

Please amend the application as follows: